



Consulting Party Meeting – MINUTES

Thursday, April 10, 2014 1:30 pm MDT / 2:30 pm CDT

Attendance:

- **NPS** – Liz Valencia, Don Stevens, Brenda Todd (time keeper), Sarah Conlin (note taker)
- **Advisory Council on Historic Preservation** – Katry Harris
- **Michigan State Historic Preservation Officer** – Brian Conway
- **Michigan Historic Preservation Network** – Amanda Reintjes, Nancy Finegood
- **North Shore Commercial Fishing Museum** – Don Hammer, Stuart Sivertson
- **Isle Royale Families and Friends Association** – Missy McDonald, Nancy Ousley, and John Snell
- **National Trust for Historic Preservation** – Brian Turner

Summary:

Meeting to update consulting parties within the framework of section 106 consultation regarding the Cultural Resources Management Plan for Isle Royale National Park. This meeting follows the group's last consultation in November 2013.

Discussion:

Don Stevens kicked off introductions, and all parties introduced themselves.

Don S. explained that the purpose of the meeting is to update section 106 consultation. This group met last in November 2013, and have agreed to meet periodically to provide updates on the project and to discuss any concerns related to section 106. Section 106 includes identifying the historic properties associated with the plan, and what effect the actions in the plan would have on those properties.

Role of the Advisory Council in 106 Process

- Katry provided a summary of the ACHP. Advisory Council on Historic Preservation (ACHP) is a federal agency, established by the National Historic Preservation Act (NHPA). This agency promulgates the regulations that explain how federal agencies meet the requirements of Section 106. They also help other parties play their role in the section 106 process.
- The ACHP was notified of the proposed plan in October 2012, and ACHP provided an informational letter to the NPS. ACHP was recently copied on some requests to attend consulting party meetings.
- The ACHP is not currently formally participating, but is available to provide advice to any of the parties involved. In the future, they may elect to formally participate.
- Don S. clarified that the plan is an environmental impact statement, and that NPS is using the NEPA process for Section 106, and that the planning team has agreed to hold periodic discussions with the consulting parties in addition to the formal public comment and consultation periods. The planning team hopes to keep consulting parties informed so they are not left without information in between the formal comment periods.
- Don S. explained that the plan is further complicated by the wilderness designation on the island, and foresees potential adverse effects from some of the proposed actions in the alternatives due to this complication.
- Stu asked for clarification regarding the "NEPA substitution" that Katry referred to. Don clarified that it means the environmental impact statement (EIS) is being used to meet the section 106 consultative requirements in the

plan. Section 106 is commonly integrated in to the NEPA process within the National Park Service, where the EIS becomes the vehicle for performing both the NEPA and section 106 processes.

Meeting Facilitation

- Missy discussed how IRFFA raised a question about neutral facilitation via email after the board meeting of IRFFA following the November 2013 meeting, and asked if we could have a neutral facilitator for the meetings, keep time, and provide follow ups after the meetings. NPS replied via email raising the potential cost implications of hiring an outside facilitator. Missy, at that time, requested to discuss further in the future. Could IRFFA contribute (with others) to help provide funds to cover the cost of a neutral facilitator?
- Don S. clarified that the plan is largely being compiled in-house at Isle Royale, and colleagues in Denver are assisting with project management, coordination, and facilitation of meetings. Brenda is functioning as the task-master in Denver, helping the team stay on task and providing NEPA experience to the planning team. Brenda is on the phone today to help keep time. Sarah Conlin is on the phone today to assist as a note-taker. Additionally, Don S. manages the section 106 program for the Midwest Region of the National Park Service, and has a fair amount of experience with the consultation process.
- Katry stated that there can be a value in having a good facilitator and can provide sources to explore if the team is interested in seeking a non-NPS facilitator. She suggested that if the consulting parties have suggestions on how to get facilitators, they should make specific recommendations to the National Park Service.
- Don Hammer spoke regarding the face-to-face meeting in November 2013, and said that at times, facilitators had to pay careful consideration to being neutral and unbiased. He thinks that this meeting is an opportunity for all of us to practice neutrality, and reassess if this approach works after the meeting.
- At the previous meeting, notes were distributed to all the participants for comment and finalized. The same will be done for this meeting.

Public Comment Analysis

- The public comment analysis was a formal public summary prepared by the Denver Service Center, and not the core CRMP planning team. The public comment summary report compiles the comments received during the scoping period, and was included as an attachment in an email prior to this meeting. It is also posted publicly on the park's planning website (www.parkplanning.nps.gov/ISROcrmp).
- There was a question if there were responses available to review, because some would like to see why commenters commented in one way or another. Brenda clarified that within the formal NEPA process when we conduct scoping, we do our best to keep the comments confidential. Regarding the comment specifically related to the actions common to all, we provide the rationale for all of the comments received.
- Brian Conway stated that the report identifies that there are 145 pieces of correspondence, and 725 separate comments. He asks if there is a better way to quantify throughout the document how many people commented on each topic. Don Hammer agrees that he doesn't need to know who these people are, but would like to see a quantification. He didn't see anything overly surprising in the document, and there are two sides to every argument, but would like to see some sense of how many people felt each way. Amanda agreed and said she had similar questions. Missy agreed, and mentioned that the NPS posted comments previously from the public scoping three years ago at IRFFA's request without names. Brenda clarified that the NPS likes to emphasize that the scoping is not a voting process, so we intentionally steered away from providing these numbers.
- Nancy O. commented that it's surprising to her that in this early stage, the public comments seem to be cloaked and not available. At local government in the state of Washington, the comments are publically available to view what was said in the comments, and the commenters may be identified as well. Katry explained this may be due to the state sunshine law in Washington, and these regulations vary from state to state.
- Don S. stated that the CRMP planning team will discuss the concern regarding a quantification of the comments.

- Amanda asked if the National Park Service is planning on considering these ideas as part of the planning process. Amanda asked for clarification regarding how the NPS is going to view this summary of comments. Don S. explained that the planning team will consider the comments during the next phase of the planning process where the team fleshes out the alternative concepts and identifies the NPS preferred alternative.
- Missy stated that the terminology in the summaries strikes her, in terms of “private use and residence”, and feels that it seems biased. IRFFA uses the terms “historic use” and “historic significance”. She feels that the terminology in the public deliverables should be modified to reflect these changes.
- John will forward an email regarding Cape Cod NS where they released the comments while keeping their names confidential.
- Don Hammer spoke that one thing that he does like in the comment summary report is that the preponderance of the commentary acknowledged that cultural resources are significant on the island. He likes that what we’re doing today is what the public wants us to, and that the NPS is acknowledging the human interaction with this area.
- John is worried that the management plan is filtering down the cultural resources to the least common denominator, and blindly assuming that the NPS can’t do certain management actions because of wilderness and other legislation. He suggests that the National Park Service make sure that they are protecting cultural resources and eliminate barriers to their protection rather than merely focusing on compliance.
- Don S. responded that the plan is larger than just compliance with wilderness laws, and that preservation of cultural resources is an important purpose of the plan.

Commercial Fishing

- Stu spoke regarding commercial fishing in the park and special use permits (SUPs) for this activity. Stu received a letter from the park a number of years ago that the SUP for commercial fishing in his mother’s name was non-transferrable, and was not issued a new permit in his name. Stu worries that this culturally-significant activity has been declared inconsistent with the purposes of the park. Stu’s father was an advisor of the Great Lakes Fishery Commission, and Stu has since filled that position for the state of MN. He feels that there is a cultural bias within the National Park Service toward commercial fishing, as evidenced by the treatment of fishing, and the ending of special use and other permits for the activity. He feels that this is a significant factor that the NPS needs to deal with, potentially through the CRMP. The planning team should discuss commercial fishing within the context of the CRMP and whether it has adverse effects. The Great Lakes Fishery Commission could provide testimony on this issue for the plan.
- Don S. mentioned that in terms of the effects of commercial fishing at ISRO, all the alternatives will discuss the preservation potential for the fisheries, including the buildings, structures, and landscapes associated with the fishing history. In talking about what to preserve and what will not be preserved, there will be discussions of potential rehabilitation or potential adaptive uses that may be viable options for some of these places. Don S. hopes that some of these alternatives will show ways to contribute to the preservation of these fisheries resources in order to preserve the important history Stu’s family was part of.
- *Note: The NPS does not regulate fisheries in Lake Superior; the State of Michigan holds this authority. Decision-making related to the expansion of commercial fishing in Lake Superior is managed by the MI DNR with input from numerous stakeholders including, but not limited to, multiple state and federal agencies, tribal organizations, interest groups, and the general public.*

Current Status of Cultural Resources Management Plan

- Brenda provided a status update for the CRMP. Since the group last talked in November at the consulting party meetings, the planning team has been working to flesh out the alternative concepts that they shared as part of

the scoping period. The NPS is considering the public input on the scoping period, as well as input from consulting parties. The team hopes to have a draft document available for public review in late 2014.

- Nancy O. asked if the document available later this year will have a preferred alternative identified. Brenda clarified that at that time, the CRMP will be in the form of a draft EIS, and will include a full range of alternatives as well as the alternative that the park service recommends as their preferred alternative. This is an important time for the public to provide feedback on the alternatives.
- Nancy O. commented that from her experience in the government, at this point in the process following the public scoping on the alternative concepts, the preliminary alternatives may be modified, eliminated or combined. Brenda replied that that is certainly something that is part of this alternative development process that the planning team is working on.
- Brenda clarified that when the draft document is presented in late 2014, and the public comment period is open for the draft EIS, the NPS will respond to all those substantive comments or make necessary changes to the document in compliance with NEPA requirements.
- Katry would like to draw attention back to the substitution process that the National Park Service has committed to do. When you get to the EIS, it shouldn't be just presentation of the alternatives, but those should be coupled with the section 106 component as well. She's not sure where NPS is in terms of adequately consulting with the SHPO and all the other consulting parties on identification of historic properties. Phone calls or other correspondence will need to be used to get concurrence on other outstanding determinations of eligibility that need to be made, or other finding of effect on the alternatives. These will need to go into the draft EIS.
- Don S. provided some updates on the various section 106 efforts the planning team is completing to help inform the planning process. In the previous November 2013, the group started by talking about the status of resource identification in the park. The parks' historic structures inventory is about 90% complete. Outstanding items relate to park era mission 66 structures, and there are some analyses that will be taking place soon on some of those resources, and the sequencing with this plan should work out. The NPS is a bit further behind on information regarding cultural landscapes, and archeology is also a significant resource at the park. Ethnographic resources the park is also less clear on. Don S. stated that the NPS has started a traditional property cultural evaluation related to Ojibwe on the island, and it is underway now under the supervision of Tim Cochrane. The NPS is also trying to get a better sense of the significance of the Tobin Harbor landscape historic district, and hired a person to begin a comparative analysis of Tobin Harbor with similar resources; however, this resource type is so underdeveloped across the country that it's difficult to compare to other places. There is currently a draft that Don has distributed internally to the NHL staff at the MWR region and the Washington Office of the park service to understand the comparative value of the resource. Some NPS staff think that the integrity of that resource stands out well in the comparative analysis. In about a month to 6 weeks, the NPS should have response back from NHL people, and will refine the report and distribute to consulting parties for their review as well. The planning team is also working to define historic values as part of the wilderness character of the park, and are working to recognize that historic value can contribute to the wilderness character of the park.
- Missy spoke regarding the Tobin Harbor study and its comparative significance that the IRFFA board feels there are significant gaps in knowledge as the NPS moves forward with finalizing the preferred alternative. These gaps in knowledge are related to preservation of historic structures and closely linked to the traditionally associated people issue. Previously IRFFA had unsatisfactory responses to the TAP determination, and has a FOIA out to get information. She feels that there is a lack of ethnography on many of the wilderness camps, which strongly influences how you view historic significance and what you want to preserve. IRFFA feels that there is a significant gap in research on understanding the historic significance of the community of people that came to Isle Royale. For example, the Edwards family is related to colonial theologian Jonathan Edwards who spoke of the "howling wilderness" in a famous sermon. This family has had a minister in every generation to the present day and continues a long tradition of experiencing a spiritual connection between man and nature; the Connolly family has a relationship with the Transcendentalists and very little is known about Ralph Waldo Emerson of Emerson Island, a purported relative of the poet R. W. Emerson. IRFFA is concerned that there are significant

holes that for years they have tried to address and the lack of this research will impact the preservation of cultural resources on Isle Royale.

- Don S. took a moment to provide background on the TAP determination to Katry since she wasn't involved on previous calls.
- Nancy O. commented that everyone is a seasonal person on the island, because even the park service doesn't stay there year round. What is unique about this community is that it brought together people of wildly different economic and cultural backgrounds, and made a community out of them. She is concerned that part of that community is referred to as recreational or seasonal, because these people didn't stop working when they came to the island. It goes back to what we saw in the summary of comments related to private use and recreational use, as though the families there were entitled in some way.
- Don S. suggested that he is scheduling soon a separate call between IRFFA and the WASO people involved in the TAP decision. They will be talk with IRFFA and hear IRFFA concerns regarding the decision. Joe Watkins (NPS Cultural Anthropologist) was hired several months ago and was not involved in the determination, but is getting up to speed on the issue and documentation used to make that decision.
- Missy stated that IRFFA has not yet been given all the information that helped make that decision, and IRFFA's FOIA is 13th in the queue. It's likely we won't get the information in time to provide a rebuttal during that conversation. Katry asked why not just give the documents to IRFFA?
- Don S. clarified that the TAP evaluation was an NPS policy evaluation, and isn't a National Register analysis or section 106 analysis. It related to the relationship of the people to the place. The seasonal camp structures associated with the people related to the TAP evaluation have been evaluated and determined eligible for the National Register and are historic. The Tobin Harbor comparative analysis elevates the potential importance of that resource beyond what a TAP would be able to do.
- Nancy O. stated that the separate call related to the TAP issue warrants a larger group to be included in that discussion. It should include everyone on this call and potentially others. It'd be helpful for the ethnography to be done. Don will raise this idea with the WASO people, and will follow up on this idea. Brian is also interested in being involved in this discussion, though it likely won't affect the section 106 process, but could aid in the broader interpretation of those sites. Brian asked how living people help to preserve a place and noted that living people in a historic place have an impact over time.
- Missy stated that IRFFA's point of view is that the TAP relates to the Tobin Harbor document, because the structures relate to the people who lived in them and cared for them. They see a strong link between the ethnographic history and the preservation of the historic structures.
- Don S. stated that there's nothing to prevent the planning team from considering partnerships in this plan.
- Missy worries that the significance is not completely understood, and as the planning team moves forward with preserving structures in wilderness, it puts them at risk. There's national significance of Scandinavian immigrants coming to the island, and the people who came from post-industrialization, etc. The significance of what these people were doing ethnographically relates them to what the NPS wants to preserve. Do you want to preserve an empty shell of a building, and take all the people out and traditions out? What really is preservation?
- Don S. commented that the other important aspect of this is that these are public places and this is important for considering how any structures are used.
- Stu is concerned about budgeting in the national park service, and how it will preserve whatever assets are worthy of preservation. He is concerned that assets will be ranked in some manner, and may be done by people who don't understand the cultural context of those assets. There may also be budget constraints related to maintaining and preserving these assets. Currently, private parties maintain these structures and assets and have done a good job of it. The commercial fishing docks are expensive to maintain, but the private parties do so in a very economical way. The government maintenance of these docks will be done in a much more extensive manner.

- Don S. stated that as the planning team is moving forward with this plan, they're not foreclosing on partnerships related to fisheries and their preservation. Liz confirmed that the NPS will coordinate a call for these considerations as part of this plan.
- Stu stated that he's been locked out of my cabin for two years because he was not willing to sign a volunteer-in-parks agreement. It was the National Park Service who abandoned the partnership, and not him. He'd like to be able to help the Great Lakes Fisheries Commission group to do research through access to the docks, etc.
- Don S. stated that as the planning team is moving forward with this plan, they're not foreclosing on any partnerships with fisheries as they make sense to take place at the park. He hopes that strategies for preserving fisheries at the park will be discussed, as a means of preserving those fisheries resources on the island. Liz confirmed that the NPS will coordinate a call for these considerations as part of this plan.
- Don Hammer would like to see some of these comments quantified, in your bullet that refers to Alternative B, and would like to see who supports versus against certain alternatives and external involvement. John Snell would like to hear where possible where people from the other side are coming from regarding their thoughts and opinions about the issues at ISRO.
- Brenda commented that in public scoping, it's not a voting process and the NPS is merely trying to gather opinions and ideas.

Current Status of Wilderness Backcountry Management Plan

- Amanda is curious about the development of the CRMP with the development of the WBMP. Additionally, she wishes to discuss the suggestion in the draft comment summary that the designation of potential wilderness area could be changed for the areas of the island with a high concentration of cultural resources.
- Liz stated that CRMP planning team has spent a lot of time talking about wilderness. The park currently has a draft WBMP that was never finished or signed. In the time that the plan was unsigned, the guidelines for wilderness planning in the NPS has changed. The park gathered a group together in late 2013, with Midwest Regional Office staff, Washington Office wilderness leadership, Stephanie Toothman, NPS Denver Service Center staff, and the NPS Environmental Quality Division to talk about where we needed to go with the WBMP to finish it and how to coordinate it with the CRMP. The solution developed was that the WBMP does not need to be changed much, other than the new issues and guidance in regards to the wilderness planning. A supplemental EIS will be developed in order to complete the plan, including a wilderness character narrative and how historic resources contribute to wilderness character. The new plan will also consider commercial services in wilderness, and developing a research strategy for wilderness, and nonconforming uses in potential wilderness and how to deal with those. The plan will also develop desired conditions, indicators and standards for monitoring resources. All these issues will be addressed in the supplemental EIS for the WBMP. The team has decided that these two plans will be completed separately, though they will be complementary. The intent is to work on the plans together and the plans will hopefully be signed at the same time.
- Don S. stated that the NPS preferred alternative in the CRMP and what the wilderness plan will prescribe should be in sync. The NPS doesn't want one or the other to slow each other down. Liz stated that there was strong support from high-levels in the National Park Service that both of these plans are important and that they are completed in a timely manner.
- Brian Turner asked for more background on how the management of wilderness changed at the park. Will there be a scoping process for the supplemental EIS?
- Liz replied that the NPS intends to do scoping for the supplemental EIS for WBMP, likely in fall 2014. All of the wilderness planning for the park service was included in the revised Director's Order 41: Wilderness Stewardship, which has recently been finished and is publically available. ([http://www.nps.gov/policy/DOOrders/DO-41\(Corr\).pdf](http://www.nps.gov/policy/DOOrders/DO-41(Corr).pdf))

- Don commented regarding the boundary issue in wilderness and historic properties: after the meeting in Duluth, the NPS brought that issue to our Deputy Regional Director and Stephanie Toothman, and they are having some discussions about that. However, that issue would take a congressional act, and the NPS doesn't have the ability to make that change through administrative functions. In the plan, the planning team will be working with how the boundary is currently defined. If NPS is working with significant cultural resources that are challenged by the wilderness designation, they will have to figure out how to address those resources. The fact that something is in wilderness does not mean that it can't be preserved, but there are challenges as to how to preserve it or the use of the structures.
- There was a brief discussion at the end about returning to the facilitator question. Meeting participants were signing off the call and Don S. mentioned that we should not discuss this without all the participants on the call and that we could email our comments, if warranted.

Next steps

- Meeting minutes will be distributed and an opportunity will be given for revisions.
- Brenda will send a link to call participants to understand the NEPA and section 106 process.
- Another call will be scheduled in the future.